

**THE ATTACHED
AMENDMENTS
ARE TO BILLS
THAT WILL
BE
HEARD ON
HOUSE REGULAR
CALENDAR
TODAY
MONDAY
MARCH 18, 2019**

Amendment No. 1 to HB0318

Halford
Signature of Sponsor

AMEND Senate Bill No. 439

House Bill No. 318*

by deleting SECTION 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 70-2-219(e), is amended by deleting the subsection and substituting instead the following:

(e)

(1) The executive director is authorized to issue special permits to a nonprofit wildlife conservation organization that qualifies as tax exempt under § 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3). An organization that receives a special permit issued under this subsection (e) may sell or otherwise transfer such permits through any legal means available.

(2) Any proceeds of the sale must be used in this state for wildlife management projects approved by the agency; provided, that, notwithstanding any other law to the contrary, the organization may use no more than twenty percent (20%) of the proceeds to administer the sale or transfer of the permit.

(3) The executive director may issue up to five (5) special permits in a license year and shall strive to ensure that hunting or fishing opportunities occur in each grand division of the state pursuant to this subsection (e).

(4) The commission may promulgate rules to implement the special permit program.

Amendment No. 1 to HB0775

Curcio
Signature of Sponsor

AMEND Senate Bill No. 314*

House Bill No. 775

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-140-406, is amended by deleting the section and substituting instead the following:

The entity responsible for the AED program shall not be civilly liable for any personal injury that results from an act or omission related to the use of the AED that does not amount to willful or wanton misconduct or gross negligence.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB0308

Curcio
Signature of Sponsor

AMEND Senate Bill No. 306

House Bill No. 308*

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 39-13-903(a)(6)(B), is amended by adding the following new subdivision:

(ix) A communication service facility;

Amendment No. 1 to HB1270

Keisling
Signature of Sponsor

AMEND Senate Bill No. 662*

House Bill No. 1270

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 1, is amended by adding the following as a new section:

(a) For purposes of this section:

(1) "Designated state agency" means:

- (A) Department of agriculture;
- (B) Department of financial institutions;
- (C) Department of environment and conservation;
- (D) Department of correction;
- (E) Department of economic and community development;
- (F) Department of education;
- (G) Board of trustees of the University of Tennessee;
- (H) Board of regents of the state university and community college system;
- (I) Local governing boards of trustees of state universities;
- (J) Department of general services;
- (K) Department of human services;
- (L) Department of commerce and insurance;
- (M) Department of labor and workforce development;
- (N) Department of mental health and substance abuse services;
- (O) Department of human resources;

Amendment No. 1 to HB1270

Keisling
Signature of Sponsor

AMEND Senate Bill No. 662*

House Bill No. 1270

- (P) Department of health;
- (Q) Department of revenue;
- (R) Department of safety;
- (S) Department of tourist development;
- (T) Department of transportation;
- (U) Department of the treasury;
- (V) Department of veterans services; and
- (W) The military department;

(2) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C. § 7501, that is reported as part of a single audit; and

(3) "Single audit" has the same meaning as defined in 31 U.S.C. § 7501.

(b) Subject to subsections (c) and (d), a designated state agency shall each year, on or before October 31, prepare a report that:

(1) Reports the aggregate value of federal receipts the designated state agency received for the preceding fiscal year;

(2) Reports the aggregate amount of federal funds appropriated by the general assembly to the designated state agency for the preceding fiscal year;

(3) Calculates the percentage of the designated state agency's total budget for the preceding fiscal year that constitutes federal receipts that the designated state agency received for that fiscal year; and

(4) Develops plans for operating the designated state agency if there is a reduction of:

(A) Five percent (5%) in the federal receipts that the designated state agency receives;

(B) Twenty-five percent (25%) in the federal receipts that the designated state agency receives; and

(C) One hundred percent (100%) in the federal receipts that the designated state agency receives.

(c) The report required by subsection (b) that the department of education prepares must include the information required by subdivisions (b)(1)-(3) for each school district, including special school districts, and each charter school within the public education system.

(d) Each designated state agency that prepares a report in accordance with subsection (b) shall submit the report to the department of finance and administration on or before November 1 of each year.

(e)

(1) The department of finance and administration shall, on or before November 30 of each year, prepare a report that:

(A) Compiles and summarizes the reports the department of finance and administration receives in accordance with subsection (d); and

(B) Compares the aggregate value of federal receipts each designated state agency received for the previous fiscal year to the aggregate amount of federal funds appropriated by the general assembly to that designated state agency for that fiscal year.

(2) The department of finance and administration shall, as part of the report required by subdivision (e)(1), compile a list of designated state agencies that do not submit a report as required by this section.

(f) The department of finance and administration shall submit the report required by subsection (e) to the chairs of the finance, ways and means committees of the house of representatives and the senate on or before January 15 of each year.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

Amendment No. 2 to HB1270

**Dunn
Signature of Sponsor**

AMEND Senate Bill No. 662*

House Bill No. 1270

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 1, is amended by adding the following as a new section:

(a) For purposes of this section:

(1) "Designated state agency" means:

- (A) Department of agriculture;
- (B) Department of financial institutions;
- (C) Department of environment and conservation;
- (D) Department of correction;
- (E) Department of economic and community development;
- (F) Department of education;
- (G) Board of trustees of the University of Tennessee;
- (H) Board of regents of the state university and community

college system;

- (I) Local governing boards of trustees of state universities;
- (J) Department of general services;
- (K) Department of human services;
- (L) Department of commerce and insurance;
- (M) Department of labor and workforce development;
- (N) Department of mental health and substance abuse services;
- (O) Department of human resources;

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**Dunn
Signature of Sponsor**

AMEND Senate Bill No. 662*

House Bill No. 1270

- (P) Department of health;
- (Q) Department of revenue;
- (R) Department of safety;
- (S) Department of tourist development;
- (T) Department of transportation;
- (U) Department of the treasury;
- (V) Department of veterans services; and
- (W) The military department;

(2) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C. § 7501, that is reported as part of a single audit; and

(3) "Single audit" has the same meaning as defined in 31 U.S.C. § 7501.

(b) Subject to subsections (c) and (d), a designated state agency shall for each year designated in subsection (g), on or before October 31, prepare a report that:

(1) Reports the aggregate value of federal receipts the designated state agency received for the preceding fiscal year;

(2) Reports the aggregate amount of federal funds appropriated by the general assembly to the designated state agency for the preceding fiscal year;

(3) Calculates the percentage of the designated state agency's total budget for the preceding fiscal year that constitutes federal receipts that the designated state agency received for that fiscal year; and

(4) Develops plans for operating the designated state agency if there is a reduction of:

(A) Five percent (5%) in the federal receipts that the designated state agency receives;

(B) Twenty-five percent (25%) in the federal receipts that the designated state agency receives; and

(C) One hundred percent (100%) in the federal receipts that the designated state agency receives.

(c) The report required by subsection (b) that the department of education prepares must include the information required by subdivisions (b)(1)-(3) for each school district, including special school districts, and each charter school within the public education system.

(d) Each designated state agency that prepares a report in accordance with subsection (b) shall submit the report to the department of finance and administration on or before November 1 of each year designated by subsection (g).

(e)

(1) The department of finance and administration shall, on or before November 30 of each year designated by subsection (g), prepare a report that:

(A) Compiles and summarizes the reports the department of finance and administration receives in accordance with subsection (d); and

(B) Compares the aggregate value of federal receipts each designated state agency received for the previous fiscal year to the aggregate amount of federal funds appropriated by the general assembly to that designated state agency for that fiscal year.

(2) The department of finance and administration shall, as part of the report required by subdivision (e)(1), compile a list of designated state agencies that do not submit a report as required by this section.

(f) The department of finance and administration shall submit the report required by subsection (e) to the chairs of the finance, ways and means committees of the house of representatives and the senate on or before January 15 of each year following the year designated by subsection (g).

(g) Reports required by this section must be prepared in 2019, 2021, and 2023.

(h) This section is repealed on July 1, 2024.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB1074

Keisling
Signature of Sponsor

AMEND Senate Bill No. 1353

House Bill No. 1074*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-207(r)(3)(B), is amended by deleting the language "that has a total annual wine production of fifty thousand gallons (50,000 gals.) or less" and substituting instead the language "that pays taxes under § 57-3-302(a) at its licensed facility on fifty thousand gallons (50,000 gals.) or less of wine or finished wine product each calendar year".

SECTION 2. Tennessee Code Annotated, Section 57-3-207(r)(5), is amended by deleting the last sentence of subdivision (A) and deleting subdivision (B).

SECTION 3. Tennessee Code Annotated, Section 57-3-207(r), is amended by adding the following new subdivision:

(6)

(A) Wineries and farm wine producers that pay taxes under § 57-3-302(a) at their licensed facility on more than fifty thousand gallons (50,000 gals.) of wine during a calendar year and that operate a satellite facility shall obtain wine provided at their satellite facilities from a wholesaler licensed pursuant to § 57-3-203. The wholesaler may permit the winery or farm wine producer to transport wine or finished wine product from the winery or the farm to its satellite facilities; provided, that the wholesaler includes the amounts delivered in its inventory, reports depletions for purposes of tax collection, and is responsible for the payment of taxes on such depletions.

Amendment No. 1 to HB1074

Keisling
Signature of Sponsor

AMEND Senate Bill No. 1353

House Bill No. 1074*

(B) Wineries and farm wine producers that pay taxes under § 57-3-302(a) at their licensed facility on fifty thousand gallons (50,000 gals.) or less of wine or finished wine product each calendar year are not required to obtain wine provided at their satellite facilities from a wholesaler. Wineries may transport wine or finished wine product from their wineries to their satellite facilities. Wineries may transport wine made from produce from farm wine producers to the producers' satellite facilities. Farm wine producers may transport wine from their farm to their satellite facilities.

(C) Wine and finished wine product sold for consumption on the premises at the satellite facilities are subject to the same taxation as wine sold for consumption on the premises at the winery or on the premises of the farm wine producer.

SECTION 4. Tennessee Code Annotated, Section 57-3-207, is amended by adding the following new subsection:

() Wholesalers utilized by wineries or farm wine producers may permit wineries and farm wine producers to transport their products for sale; provided, that the wholesaler permitting such direct shipment shall include the amounts delivered in its inventory, report depletions for purposes of tax collection, and be responsible for the payment of taxes on such depletions.

SECTION 5. Tennessee Code Annotated, Section 57-3-207, is amended by deleting subdivision (v)(2) and adding the following new subsection:

() As used in this section, "finished wine product" means any wine product that is ready for use by an end user and that bears the label of the winery or farm wine permit holder that purchased or imported the finished wine product under subsection (v).

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB0062

Keisling
Signature of Sponsor

AMEND Senate Bill No. 46*

House Bill No. 62

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Dynamic Accessibility Act."

SECTION 2. Tennessee Code Annotated, Title 12, Chapter 2, Part 1, is amended by adding the following new section:

(a) The commissioner of general services shall promulgate rules for the purpose of designating the symbol of access to be used for buildings owned or operated by this state on signage indicating access for persons with disabilities. The commissioner, in promulgating rules, may collaborate and seek input from state agencies for the purpose of carrying out this section.

(b) The symbol must depict a logo with a dynamic character leaning forward with a sense of movement, be readily identifiable, and be simply designed with no secondary meaning. The symbol must signify equivalent facilitation and accessibility as the previously used international symbol of access. The symbol must be depicted in substantially the following form:



Amendment No. 1 to HB0062

Keisling
Signature of Sponsor

AMEND Senate Bill No. 46*

House Bill No. 62

(c) The symbol must be accompanied by the adjective "Accessible," when appropriate for the signage, and must be used to designate every point of access for persons with disabilities for all state buildings, structures, or real property constructed or purchased on or after July 1, 2020. For existing state buildings, structures, and real property, signage indicating access for persons with disabilities must conform to the requirements of this section as the signage is replaced or repaired, or when the area of an existing state building, structure, or real property containing signage is renovated.

SECTION 3. Tennessee Code Annotated, Section 55-21-104, is amended by deleting subsection (a) and substituting instead the following:

(1) The department shall designate the symbol of access adopted pursuant to SECTION 2 for the issuance of registrations, placards, decals, and license plates to drivers or passengers with a disability under this part.

(2)

(A) The symbol must be utilized for the issuance of all new registrations, placards, decals, and license plates under this part on or after July 1, 2020.

Existing registrations, placards, decals, and license plates must conform to subdivision (a)(1) upon replacement, including upon a request for replacement by a driver or passenger with a disability. Notwithstanding any law to the contrary, if a person requests to replace an existing registration, placard, decal, or license plate in accordance with this subdivision (a)(2)(A), the person must pay the same

fee otherwise due for the initial issuance of such registration, placard, decal, or license plate.

(B) Subdivision (a)(2)(A) only applies upon the exhaustion of the supply of existing registrations, placards, decals, and license plates.

(3) The department may promulgate rules for the purpose of carrying out this subsection (a).

SECTION 4. Tennessee Code Annotated, Section 55-4-209(b)(2), is amended by deleting the subdivision and substituting instead the following:

(2) Personalized plates for disabled drivers must bear the stylized wheelchair symbol or symbol of access in accordance with § 55-21-104.

SECTION 5. Tennessee Code Annotated, Section 55-21-105(b), is amended by deleting from subdivision (3) the language "wheelchair disabled sign," and substituting instead "wheelchair disabled sign or symbol of access,".

SECTION 6. Tennessee Code Annotated, Section 55-21-105(c), is amended by deleting the first sentence and substituting instead the following:

Each such parking space must be marked and maintained with the stylized wheelchair symbol designated by § 55-21-104, as that section existed on June 30, 2020; provided, that such parking spaces may, at the discretion of the owner, be marked with the symbol of access designated under § 55-21-104, to the extent that such marking complies with federal law.

SECTION 7. Tennessee Code Annotated, Section 55-21-108, is amended by deleting the language "wheelchair disabled sign" wherever it may appear and substituting instead "wheelchair disabled sign or symbol of access".

SECTION 8. A state governmental entity that receives documentation from a federal agency that compliance with a provision of this act may jeopardize federal funding or grant money for the state governmental entity is not required to comply with such provision; provided,

that the state governmental entity shall comply with each provision of this act that does not jeopardize such federal funding or grant money.

SECTION 9. This act shall take effect upon becoming a law for purposes of promulgating rules and carrying out any administrative duties necessary to effectuate the provisions and intent of this act, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.

Amendment No. 1 to HB0190

Curcio
Signature of Sponsor

AMEND Senate Bill No. 174*

House Bill No. 190

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 30-1-117, is amended by adding the following new subdivision (a)(10):

(10) The name, age, mailing address, relationship of the proposed personal representative to the decedent, a statement of any felony or misdemeanor convictions, and a statement of any sentence of imprisonment in a penitentiary.

SECTION 2. Tennessee Code Annotated, Section 30-1-111, is amended by deleting the section and substituting instead the following:

The clerk shall, before delivering the letters of administration or letters testamentary to the personal representative, administer to the representative, if an executor, an oath for performing the will of the deceased; and, if an administrator, an oath for the faithful performance of the administrator's duty; and, as to both, an oath that all statements in the petition about the representative are true and accurate and the representative is not disqualified from serving because of having been sentenced to imprisonment in a penitentiary as set forth in § 40-20-115 or otherwise. In the alternative, the oaths of the administrator or executor may be sworn or affirmed in the presence of a notary public and the acknowledgment of the representative's oaths, when certified by the notary public, shall be presented to the appropriate clerk.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB0104

Terry
Signature of Sponsor

AMEND Senate Bill No. 266

House Bill No. 104*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-1-165, is amended by deleting the section in its entirety.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB0933

Keisling
Signature of Sponsor

AMEND Senate Bill No. 789

House Bill No. 933*

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 12, is amended by adding the following language as a new section:

4-3-1208.

(a) The department is authorized, in accordance with 34 U.S.C. § 40102(a)(1), to obtain state and national criminal history background checks and investigations performed by the Tennessee bureau of investigation and the federal bureau of investigation on employees and contractors of the department of human services division of rehabilitation services who are likely to have access to individuals with disabilities.

(b) An employee of the department of human services division of rehabilitation services who is likely to have access to individuals with disabilities must:

(1) Agree to the release of all investigative records to the state for the purpose of verifying criminal history information; and

(2) Supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by the Tennessee bureau of investigation and a national criminal history background check and investigation to be conducted by the federal bureau of investigation.

(c) A person who is contracted with the department of human services division of rehabilitation services or employed by or subcontracted with a company that is contracted with the department of human services division of rehabilitation services who is likely to have access to individuals with disabilities must:

Amendment No. 1 to HB0933

Keisling
Signature of Sponsor

AMEND Senate Bill No. 789

House Bill No. 933*

(1) Agree to the release of all investigative records to their employer or the state for the purpose of verifying criminal history information; and

(2)

(A) Supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by the Tennessee bureau of investigation and a national criminal history background check and investigation to be conducted by the federal bureau of investigation; or

(B) Release information for a criminal background investigation by a state-licensed private investigation company.

(d) The department may require a person or entity contracting with the department to pay the costs associated with the background investigations of all employees of the contractor, which may be a condition of the contract with the department. If the background check is conducted by the Tennessee bureau of investigation or the federal bureau of investigation, the payment of the costs shall be made in accordance with § 38-6-103.

(e) The department is authorized to promulgate rules regarding the implementation and use of the background checks and investigations conducted pursuant to this section. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 4-3-1205(a), is amended by deleting the language "4-3-1207" and substituting instead the language "4-3-1208".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.